

**AFFIDAVIT IN CRIMINAL COMPLAINT**

I, Brian W. Simpkins, being sworn, state:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I have been a Massachusetts State Police Trooper since 2006, and am assigned to the Division of Homeland Security, Narcotics Unit. As a Massachusetts State Trooper, I was initially assigned to patrol out of the Framingham, Sturbridge, and Boston Barracks, and then to the Community Action Team in the city of Boston working in a high crime area focusing on gang and drug activity.

2. Since July 2016, I have been assigned as a Task Force Officer to the Organized Crime Drug Enforcement Task Force (“OCDETF”) Boston Strike Force, which is a strike force incorporating various law enforcement agencies, including DEA, the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), the Federal Bureau of Investigation (“FBI”), Immigration and Customs Enforcement Homeland Security Investigations (“HSI”), and the U.S. Marshals Service (“USMS”), among other agencies.

3. I am a graduate of the Municipal Police Training Committee (“MPTC”) Police Academy (9th Municipal Police Officers Class, Weymouth), and the Massachusetts State Police Academy (79th Recruit Training Troop, New Braintree). Prior to becoming a trooper, I was a Canton Police Officer in a full and part-time capacity from 2001 to 2006. I have a Bachelor of Science degree in Criminal Justice from the Northeastern University. I have attended numerous

narcotics investigation courses, including a two-week narcotics investigation training with the DEA, focusing on narcotics recognition, identification, and investigation.

4. I have participated in all aspects of drug investigations, including physical surveillance, surveillance of undercover transactions, the introduction of undercover agents, the execution of search warrants, the effecting of arrests, and debriefings of defendants, informants and witnesses who had personal knowledge regarding major narcotics trafficking organizations. I have also reviewed recorded conversations and telephone, financial, and drug records. Through my training and experience, I have become familiar with the manner in which illegal drugs are imported, transported, stored, and distributed, and the methods of payment for such drugs.

5. The facts in this affidavit come from my personal observations and information obtained from other agents, investigators, and witnesses. My interpretations of conversations, conduct, and events detailed herein are based on my training and experience and knowledge of the investigation. This affidavit is intended to show that there is probable cause for the requested warrants and does not set forth all of my knowledge about this matter. All times herein are approximate.

#### **Purpose of the Affidavit**

6. I submit this affidavit in support of criminal complaints against Edward DIAZ and Tedy S. VELAZQUEZ, charging that on April 21, 2022, the defendants did conspire to distribute and possess with intent to distribute controlled substances, in violation of 21 U.S.C. §846.

#### **Procedural History**

7. On April 13, 2022, the Honorable Marianne B. Bowler, United States Magistrate Judge, District of Massachusetts, issued warrants authorizing the government to obtain precise location information data for cellular phone (857) 719-8025 (hereinafter, the “Target

Telephone”), subscribed to Rosalia Diaz, 79 Denton Street, Apartment 2, Brockton, Massachusetts, and used by Edward DIAZ, and to install a GPS device on a silver 2020 Chevrolet Malibu (hereinafter, the “Malibu”) used by DIAZ and VELAZQUEZ [Dkt. Nos. 22-MJ-2222 and 2223-MBB]. The affidavit (hereinafter, the “April 13 affidavit”) I submitted in support of those warrants is incorporated herein by reference.

8. On April 20, 2022, Magistrate Judge Bowler issued search warrants authorizing the searches of two locations: 79 Denton Street, Apartment 2, Brockton, Massachusetts (“DIAZ’s residence”) and 143 Ames Street, Apartment 2W, Brockton, Massachusetts (“VELAZQUEZ’s residence”) [Dkt. Nos. 22-MJ-2250 and 2251-MBB]. The affidavit (hereinafter, the “April 20 affidavit”) I submitted in support of those warrants is incorporated herein by reference.

### **Probable Cause**

9. In 2022, New York DEA agents began investigating DIAZ and VELAZQUEZ after a cooperating source (“CS-1”)<sup>1</sup> provided information about a drug trafficking organization in Massachusetts that was distributing large quantities of counterfeit pills made with fentanyl. CS-1 provided the phone number for the Target Telephone, which was being used to facilitate the distribution of the drugs.

10. On April 11, 2022, CS-1 called the Target Telephone and spoke with DIAZ about purchasing fentanyl pills. DIAZ agreed to deliver a sample of pills to CS-1 in New York. CS-1

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<sup>1</sup> CS-1 has been a paid documented DEA informant for approximately 23 years. CS-1 has no prior criminal history. CS-1 has cooperated and provided information in numerous investigations, which has led to the seizure of over 300 kilograms of cocaine, 100 kilograms of heroin, numerous kilograms of fentanyl, and several arrests and convictions. Agents believe information provided by CS-1 is reliable.

provided DIAZ a location in Yonkers, New York, and DIAZ said he would meet CS-1 there on April 12, 2022, at approximately 2:00 p.m. The call was consensually recorded.

11. On April 12, 2022, DIAZ and VELAZQUEZ drove the Malibu, which was a rental car, to New York to meet with CS-1 and a second confidential source (“CS-2”).<sup>2</sup> Prior to the meeting, CS-1 spoke with DIAZ again over the Target Telephone coordinating the meeting time. Investigators established surveillance in the area of the meeting location. CS-1 was equipped with a recording device.

12. At approximately 2:10 p.m., investigators observed the Malibu arrive at the designated location in Yonkers. DIAZ got out of the driver’s seat of the Malibu and began talking to CS-1 and CS-2. VELAZQUEZ remained in the front passenger seat and rolled down the window to participate in the conversation. VELAZQUEZ told CS-1 and CS-2 that the fentanyl pills (“fenty pills”) he and DIAZ brought were comparable in appearance to the “real blue pills.” Based on my training and experience, I believe VELAZQUEZ was referring to Percocet 30 mg pills, which are opioid prescription pills that are blue and have the markings “M” on one side and “30” on the other side.

13. DIAZ and VELAZQUEZ openly and casually discussed with CS-1 and CS-2 their production and distribution of counterfeit fentanyl pills. DIAZ told CS-1 and CS-2 that they “press up all the pills all the time,” and they only need two to three days advance notice to fill a pill order.

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<sup>2</sup> CS-2 is currently a Yonkers Police Department informant and is cooperating for possible further immigration benefits. Prior to working for the Yonkers Police Department, CS-2 was a documented DEA informant between 2006 and 2018. CS-2 initially began cooperating after CS-2 was arrested and charged with a drug offense. CS-2 received consideration at the time of CS-2’s sentencing based on the cooperation. CS-2 has provided information in numerous investigations, which has led to the seizure of over \$3 million in drug proceeds, approximately hundreds of kilograms of cocaine and 50 kilograms of heroin/fentanyl, and numerous arrests and convictions. Agents believe information provided by CS-2 is reliable.

DIAZ and VELAZQUEZ told CS-1 and CS-2 that they could produce any amount of pills they needed. VELAZQUEZ said that they press the pills at his house in Brockton (Massachusetts) and invited CS-1 and CS-2 to visit the house to see the pill press that they use. After the discussion, VELAZQUEZ gave CS-2 a small plastic bag, which contained 20 blue pills that were marked M/30. Based on the appearance of the pills and the conversation with VELAZQUEZ and DIAZ, agents believe the pills likely contain fentanyl. After the meeting, which was recorded, CS-2 turned over the pills to agents. The suspected fentanyl pills field tested positive for fentanyl and were sent to the DEA Laboratory for analysis.

14. After the meeting, investigators followed DIAZ and VELAZQUEZ as they drove the Malibu back to Massachusetts. When the Malibu entered Massachusetts, a Massachusetts State Trooper conducted a traffic stop after the Malibu was observed traveling over 90 miles an hour. DIAZ was driving and VELAZQUEZ was in the front passenger seat. DIAZ and VELAZQUEZ were positively identified by their respective Massachusetts driver's licenses.

15. On April 18, 2022, CS-1 again spoke with DIAZ and VELAZQUEZ. DIAZ and VELAZQUEZ agreed to supply CS-1 with 10,000 pills. CS-1 told DIAZ and VELAZQUEZ he would travel to Massachusetts on April 21, 2022, to purchase the pills.

16. On April 20, 2020, DIAZ called and spoke with CS-1. The call was consensually recorded. DIAZ told CS-1 that he could pick up the 10,000 pills at DIAZ's house on Thursday (April 21) and that the price was \$4 per pill. DIAZ said he would send CS-1 the location to pick up the pills. After the call, DIAZ sent CS-1 the address of his residence ("79 Denton st, Brockton, mass").

17. On April 21, 2022, investigators established surveillance in the vicinity of DIAZ's and VELAZQUEZ's residences. At approximately 11:24 a.m., investigators saw VELAZQUEZ

leaving 79 Denton Street and conducting what appeared to be a hand-to-hand drug transaction with an individual near 79 Denton Street.

18. On April 21, 2022, CS-1 and CS-2 traveled from New York to Massachusetts to pick up the pills. CS-1 called DIAZ when he arrived in Brockton. CS-1 told DIAZ to meet CS-1 at a store near DIAZ's residence. At approximately 1:25 p.m., DIAZ arrived at the location and got into the CS vehicle carrying a backpack. DIAZ showed CS-2 the pills that were inside his backpack. CS-2 signaled to investigators that DIAZ had the pills, and investigators approached the vehicle and arrested DIAZ.

19. Investigators seized DIAZ's backpack, which contained a large Ziplock bag which contained an estimated 10,000 light blue pills bearing the "M/30" markings. The pills are similar in appearance to the fentanyl pills DIAZ and VELAZQUEZ delivered to CS-1 and CS-2 in New York. Below is a photograph of the pills.



20. After DIAZ's arrest, investigators executed the search warrant at his residence. That search is ongoing. However, investigators have seized additional suspected controlled substances



and a 9mm Smith and Wesson, MP Shield handgun with an obliterated serial number. In the basement of DIAZ's residence, investigators seized a pill press.

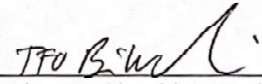
21. At approximately 2:39 p.m., investigators placed VELAZQUEZ under arrest at a separate location in Brockton.

**CONCLUSION**

22. Based on the information set forth above, probable cause exists to believe that the DIAZ and VELAZQUEZ have engaged in a violation of 21 U.S.C. §846, namely conspiracy to distribute and possess with intent to distribute controlled substances.

I, Brian W. Simpkins, hereby state under penalty of perjury that the contents of this affidavit are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

  
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Brian W. Simpkins, Task Force Officer  
Drug Enforcement Administration

Sworn before me by telephone in accordance with the requirements of Federal Rule of Criminal Procedure 4.1 this \_\_\_\_ day of April 2022.

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Honorable Marianne B. Bowler  
United States Magistrate Judge  
District of Massachusetts